Manitoba
Office of the Commissioner
Law Enforcement Review Agency (LERA)

Annual Report
2007

Manitoba

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ATTORNEY GENERAL
MINISTER OF JUSTICE

The Honourable John Harvard
Lieutenant Governor of Manitoba
Room 235 Legislative Building
Winnipeg MB R3C 0V8

MAY IT PLEASE YOUR HONOUR:

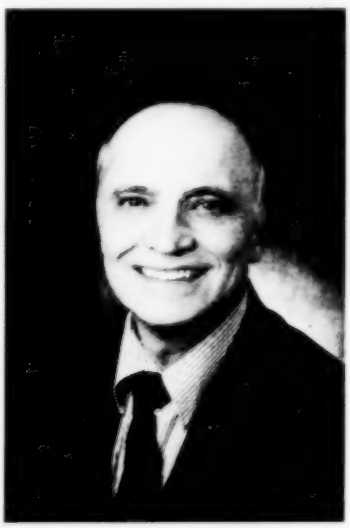
It is my pleasure to present the *2007 Annual Report of the Law Enforcement Review Agency*.

This report details the agency's accomplishments and activities for the 12-month period ending December 31, 2007.

I trust this meets with your approval.

Respectfully Submitted,

Honourable Dave Chomiak



Manitoba

Justice
Law Enforcement Review Agency (LERA)
420 – 155 Carlton Street, Winnipeg Manitoba R3C 3H8
T 204 945-8667 F 204 948-1014
www.gov.mb.ca/justice/lera

The Honourable Dave Chomiak
Minister of Justice
Attorney General

Dear Minister:

Pursuant to Section 45 of ***The Law Enforcement Review Act***, I am pleased to present the Law Enforcement Review Agency's annual report for the period of January 1, 2007, to December 31, 2007.

Yours truly,

George V. Wright
Commissioner

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INTRODUCTION

The Law Enforcement Review Act requires the commissioner to submit an annual report on the performance of his duties and functions to the minister and each municipality in the province with an established police service. The minister shall table the report in the Legislature.

LERA'S Mission Statement

The mission of the Law Enforcement Review Agency (LERA) is to deliver a judicious, timely, impartial, client-oriented service to the public and to the police services and police officers within its jurisdiction.

About LERA

What is LERA?

LERA is an independent, non-police agency, established under *The Law Enforcement Review Act* in 1985, to investigate public complaints about police.

LERA deals only with complaints about municipal or local police performance arising out of the performance of police duties. It does not investigate criminal matters.

To whom does the Act apply?

The Act applies to any peace officer employed by a Manitoba municipal or local police service, including police chiefs. It does not apply to members of the RCMP.

Complaints about members of the RCMP should be directed to the Commission for Public Complaints against the RCMP (CPC), at **www.cpc-cpp.gc.ca** or by calling 1-800-665-6878 (toll free). Complaints about RCMP members received by LERA will be forwarded to the CPC.

With the proclamation of *The Cross Border Policing Act*, *The Law Enforcement Review Act* now applies to the conduct of police officers from other provinces or territories who have been appointed as police officers in Manitoba. Complaints involving police officers from outside of Manitoba's jurisdiction can result in recommendations by a judge, but no penalty can be imposed. The Act also applies to the conduct of Manitoba police officers appointed as police officers in other provinces.

What does LERA investigate?

LERA investigates allegations from the public that municipal or local police officers have committed any of the following actions:

- abuse of authority, including:
    - making an arrest without reasonable or probable grounds
    - using unnecessary violence or excessive force
    - using oppressive or abusive conduct or language
    - being discourteous or uncivil
    - seeking improper monetary or personal advantage
    - serving or executing documents in a civil process without authorization
    - differential treatment without reasonable cause on the basis of any characteristic set out in subsection 9(2) of *The Human Rights Code*

- making a false statement or destroying, concealing or altering any official document or record
- improperly disclosing any information acquired as a member of the police department
- failing to exercise discretion or restraint in the use and care of firearms
- damaging property or failing to report the damage
- failing to help where there is a clear danger to the safety of a person or property
- violating the privacy of any person under *The Privacy Act*
- breaching any part of *The Law Enforcement Review Act* that does not already specify a penalty for the violation
- helping, counselling or causing any police officer to commit officer misconduct

Who are complainants and respondents?

A complainant is any person who feels wronged by the conduct or actions of a municipal police officer in Manitoba and files a complaint. Complainants may file on their own behalf or on behalf of another person. LERA must have written consent from that person before acting on the complaint.

A respondent is any police officer against whom a complaint has been filed by the public.

How is a complaint filed?

A complaint must be made in writing and signed by the complainant. Date, time, location and other details of the incident are important and must be included. You may ask LERA staff or members of the local police service to help you prepare a complaint.

Written complaints may be sent directly to LERA, or given to a police chief or any member of a municipal or local police service. Police will forward any complaints they receive to LERA.

Are there time limits?

The Act requires a written complaint to be made within 30 days of the incident. The commissioner may extend that limit if there are valid reasons for being unable to make the complaint on time.

The commissioner may also extend the 30-day filing limit to avoid conflict with court proceedings or an ongoing criminal investigation involving a complainant.

How is a complaint investigated?

LERA has professional investigators who interview witnesses, take statements and review reports such as official police records and medical reports. LERA investigators make all the inquiries they believe are necessary to uncover relevant evidence.

Complainants and respondents may contact LERA at any time to inquire about the status of a complaint. The commissioner remains open to discussion with all parties before making a final decision.

How are complaints screened?

After the investigation, the commissioner will screen the complaint to decide if any further action should be taken. The Act requires the commissioner to do this. The commissioner will take no further action if any one of the following situations arise:

- the alleged conduct does not fall within the scope of misconduct covered by the Act

- the complaint is frivolous or vexatious
- the complaint has been abandoned by the complainant
- there is not enough evidence to justify referring the complaint to a provincial judge for a public hearing

If the commissioner decides to close the complaint file and take no further action, the complainant will be notified in writing. The complainant will then have 30 days from the date of the decision to ask the commissioner to refer the matter to a provincial judge for review. Reviews are arranged by LERA at no cost to the complainant.

Does a complainant need a lawyer?

Complainants do not require a lawyer when dealing with LERA. Complainants and the police are both entitled to legal representation during the process if they choose. However, they must arrange for such services themselves.

If complainants apply for legal aid and do not qualify, they may, in exceptional circumstances, make a request to the minister of justice to appoint a lawyer to represent them at a hearing. Counsel may be appointed by the minister only where the applicant cannot afford to retain legal counsel.

Police officers are generally represented by a lawyer who is provided under their employment contract or collective agreement.

How are complaints resolved?

The Act provides several ways to resolve complaints. When the commissioner decides that there is sufficient evidence to justify referring the complaint to a provincial judge for a public hearing, *The Law Enforcement Review Act* provides several ways to resolve those complaints.

Informal Resolution:
The commissioner must try to resolve the complaint through informal mediation. Both the complainant and the police officer must agree to this process before it can take place. If the complaint is resolved informally, to the satisfaction of both complainant and respondent, no further action is taken and no record of the incident is made on the officer's service record.

Admission of Disciplinary Default:
A respondent officer can admit to the alleged officer misconduct. The commissioner then reviews the officer's service record and consults with the police chief before imposing a penalty.

Referral to Judge for Hearing:
If a complaint cannot be resolved informally, and there is no admission of misconduct by the police officer, the commissioner must refer the complaint to a provincial judge for a public hearing.

Penalties that may be imposed by the provincial judge on respondent officers under *The Law Enforcement Review Act* are:

- dismissal
- permission to resign, or summary dismissal if the resignation is not received within seven days
- reduction in rank
- suspension without pay for up to 30 days
- loss of pay for up to 10 days
- loss of leave or days off for up to 10 days
- a written reprimand
- a verbal reprimand
- an admonition

LERA as an Agency

The Law Enforcement Review Agency (LERA) is an independent agency of Manitoba Justice, Criminal Justice Division, under *The Law Enforcement Review Act*.

The Lieutenant-Governor in Council charges the minister of justice, as a member of the executive council, with the administration of *The Law Enforcement Review Act*.

The Law Enforcement Review Act authorizes the Lieutenant-Governor in Council to appoint a commissioner.

The commissioner carries out investigations in compliance with *The Law Enforcement Review Act* and has powers of a commissioner under Part V of *The Manitoba Evidence Act*.

LERA is staffed by a commissioner, an administrative officer/registrar, four investigators and a clerk.

How To Reach the Law Enforcement Review Agency

By Mail:
420-155 Carlton Street
Winnipeg MB R3C 3H8

By Phone:
204-945-8667
1-800-282-8069 (toll free)

By Fax:
204-948-1014

By E-mail:
lera@gov.mb.ca

Visit Our Website
www.gov.mb.ca/justice/lera

Website Overview – 2007

LERA's website went online in September 2000. This site contains the following information:

- How to make a Complaint
- History
- Contact Us
- *The Law Enforcement Review Act* and Regulations
- Public Hearings and Reviews
- News Releases
- Annual Reports
- Links
- Site Map
- Disclaimer & Copyright

2007 Web Trends Report:

Visitors.....4,464
Pages viewed 21,572
Average pages viewed per day.....59
Documents downloaded:

- Complaint Form.....444
- Annual Report 2,719
- Decisions.....14,493

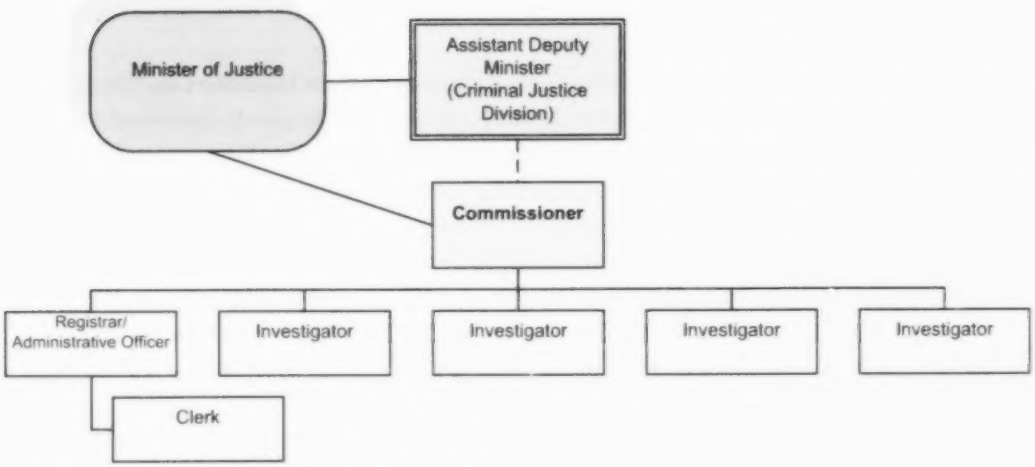
LERA'S Organizational Structure

The commissioner is required to submit an annual report on the performance of his duties and functions to the minister and to each municipality in the province that has established a police service.

From an administrative perspective, the commissioner reports directly to Criminal Justice Division's assistant deputy minister.

LERA's budget for the financial year beginning April 1, 2007 and ending March 31, 2008 is:

Full Time Employees	7
	$(000's)
Total Salaries	$480.0
Total Operating Budget	$174.8
TOTAL	**$654.8**



Activities

During the year, the commissioner and/or staff:

- participated in a meeting with the Minister of Justice and Attorney General, the Deputy Minister of Justice and Attorney General
- participated in meetings with the Assistant Deputy Minister of Justice, Criminal Justice Division
- participated in meetings and discussions with police executives, police associations, members of police services and municipal officials
- attended reviews of the commissioner's decisions and public hearings presided over by a provincial judge acting *persona designata*
- met with the Dakota Ojibway Police Commission
- attended presentation by Mr. Justice Marshal Rothstein, Supreme Court of Canada at Winnipeg Millennium Library
- attended Canupawakpa Dakota First Nation, Number 289 and gave a presentation at a community meeting
- attended swearing in ceremony for Brandon's new police chief
- made presentations to Winnipeg Police Service recruit classes and to a class of newly promoted sergeants on *The Law Enforcement Review Act*
- attended a session on security awareness
- made presentation to Assiniboine Community College Police Studies class
- met with executive director and a community advocate staff member of Mother of Red Nations Women's Council of Manitoba
- participated in Manitoba Bar Association Law Day open house at Manitoba Law Courts Complex
- made a presentation to Brandon Police Service members on *The Law Enforcement Review Act*
- attended graduation ceremonies for Winnipeg Police Service recruit classes
- attended information sessions at Winnipeg Police Service Professional Standards Unit
- attended retirement dinner for Winnipeg Police Chief
- attended the offices of Resource Assistance for Youth Inc. (RAY) for information session
- received a representative of Manitoba Association for Rights and Liberties
- received a representative from the Commission for Public Complaints Against the RCMP
- made a presentation to Brandon University class studying Police Organization and Management in a Democratic Society
- attended Association of Manitoba Municipalities Convention in Brandon and participated with the Commission for Public Complaints against the RCMP in the operation of a public information booth
- attended Manitoba Justice Human Resource Policy Information Session
- attended Manitoba Organization and Staff Development training
- participated on interviews with CFAM – Radio Southern Manitoba (Altona) and *The Winnipeg Sun*
- attended 2007 conference planning session for the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE) in Ottawa on two occasions
- attended and participated in 2007 Halifax Conference for the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE)
- participated in committee meetings reviewing accessibility to LERA by Aboriginal people

Acknowledgements

- members of the public who make their complaints and concerns known to LERA
- complainants and respondents who are able to resolve their differences by informal resolution
- chiefs of police of Manitoba's municipal police services
- police associations and members of Manitoba's municipal police services
- legal counsel and advocates assisting complainants and respondents
- Manitoba Justice officials for their assistance and expertise
- LERA's staff, whose competence and commitment are vital to LERA's success as a civilian oversight of law enforcement agency
- Information Systems Branch for creating a new computerized data system for LERA
- the many other stakeholders involved in the LERA process

Case Summaries

Commissioner's Decision to Take No Further Action

When LERA receives a complaint, the commissioner assigns an on-staff investigator to conduct an investigation into the complaint. When the investigation is completed, it is the commissioner's job to review the results of the investigation to determine whether to take no further action in cases where:

- *the complaint is frivolous or vexatious*
- *the complaint is outside the scope of the disciplinary defaults listed in section 29 of* The Law Enforcement Review Act (the Act)
- *there is insufficient evidence to justify referring the matter to a public hearing; or the complaint has been abandoned*

In carrying out this duty, the commissioner performs an important gate-keeping function that ensures complaints with no chance of success do not make their way to a public hearing. This function is designed to ensure that the LERA process runs more smoothly and efficiently and to preserve the legitimacy of the LERA process with the public.

Following are samples of cases in 2007 in which the commissioner decided no further action was required:

- A man was driving his girlfriend's car, above the speed limit, when he went through radar. He was stopped by the police officer for speeding and produced an out-of-province driver's licence. When the man produced the vehicle registration, the officer noticed that it was not for the car that the man was driving. The officer completed a computer check and found that the plates were inactive and that the car was not registered. The officer issued four traffic tickets and seized both the car and the licence plates. The man complained that the officer did not have the right to seize the car and licence plates and that the officer was also rude and discourteous to him.

  The tow truck driver who had been called to tow the seized car witnessed the interaction between the man and the officer. He told the LERA investigator that it was the man who was being rude and discourteous while the officer was polite and professional. He also stated that, had he been a police officer under these circumstances, he would have handcuffed the man and detained him.

  The commissioner said that the complaint was filed for an improper purpose and was therefore vexatious. The commissioner declined to take any further action.

* * * *

- A woman had called police to advise that her husband was depressed and had left their home. She was concerned because he had attempted suicide before. Shortly after, she called back to say her husband had returned home but he was acting very strange. Police went to the home; and found the man verbally belligerent; they were unable to calm him down. They decided he should be taken to a hospital and attempted to restrain him. The man deliberately tried to injure himself before the officers finally got control of him. He was taken to the hospital where he had to be physically restrained on a bed with wrist and ankle straps. The woman complained that the officers used excessive force in restraining her husband and taking him out of their house.

  When the officers were interviewed, they confirmed the police reports and the use of force reports. Interviews with the doctor at the hospital and the man's personal physician also supported the police actions.

The commissioner said there was insufficient evidence for a hearing and declined to take further action on the file.

* * * *

- Police responded to a call from a woman who wanted her adult son removed from her home because he was intoxicated and causing a disturbance. She also stated that two other family members were holding her son down on the floor waiting for police. When police arrived, they saw the man being held down, so they handcuffed him and took him to the drunk tank. The man complained that he was physically abused by the officers while at the drunk tank.

  When the officers were interviewed, they denied any physical abuse of the man. Staff at the drunk tank confirmed the officers' version of events. A medical report showed the man had some bruising but it could not be established whether this happened when he was being restrained by the family members or when the officers took control of him.

  The commissioner said that there was insufficient evidence for a hearing and declined to take any further action on the file.

* * * *

- A young offender was a passenger in a stolen car being chased by police. When the car was finally stopped, the youth laid face down on the back seat and refused to get out of the car. He was pulled out of the car face down and landed on the ground where he was handcuffed. He was picked up from the ground and placed into the back of a police car. The youth complained that he had been punched in the face and kneed in the stomach while he was on the ground being handcuffed.

  When the officers were interviewed, they denied punching the youth in the face or kneeing him in the stomach. The medical report did not support any facial injury consistent with being punched in the face.

  The commissioner said that there was insufficient evidence for a hearing and declined to take any further action on the file.

* * * *

- A woman and her boyfriend had gone to a bar for drinks and when they got home, they got into an argument. People in the next apartment called police because they heard arguing and physical violence. When police arrived, they went into the apartment and saw the boyfriend consoling the woman who was sitting on the couch, crying. The officers separated the man and woman and saw what appeared to be injuries on the woman. The man was arrested for domestic assault and the woman would not co-operate with the police. When the man was taken out into the apartment hallway, the woman came out and caused a disturbance. She was arrested and taken to the drunk tank. The woman complained that the police were rude and unprofessional when dealing with her and that they had arrested her without reasonable and probable grounds.

  When the police officers were interviewed, they admitted to becoming frustrated with the woman's lack of co-operation in their attempts to ensure her safety, which they believed was needed, based on witness information. However, they denied the woman's allegations.

  The commissioner said there was insufficient evidence for a hearing and declined to take any further action on the file.

* * * *

Case Summaries

Reviews by Provincial Judge of Commissioner's Decision to Take No Further Action

When the commissioner declines to take further action on a complaint, the complainant may apply to the commissioner to have the decision reviewed by a provincial judge. Section 13(2) of the Act *says the commissioner must receive this application within 30 days after the date the decision was sent to the complainant.*

Once the commissioner receives an application for a review, he sends it to the chief judge of the Provincial Court who assigns a judge to hold a review hearing. At the hearing the judge must decide whether the commissioner erred in refusing to take further action on the complaint.

Following are samples of these applications.

- A man was walking down the street and was stopped by two officers who were looking for an unknown armed male in the area. They asked the man to approach. The man asked why. The officers asked to see some identification. The man again asked why. The police asked again to see some identification, the man again asked why. The police ordered the man to place his hands on the car and the man complied and made a comment. The man then informed the police that he had some identification in his pocket. The police officer confirmed his identification and returned the man's belongings and said the man could go.

  The commissioner declined to take further action because there was insufficient evidence to justify a public hearing. The man asked to have a provincial judge review the commissioner's decision.

  DECISION: The man advised the court via letter that he was withdrawing his application for review. The file was closed by the judge.

* * * *

- A woman was involved in a relationship with a married man. The relationship ended and the woman called the man several times and also went to the workplace of the man's wife hoping, she says, to apologize to her. The woman also had someone call the man's wife and inform her of the relationship. The man and his wife were concerned about the phone calls and the visit to the workplace and said they were afraid the woman's behaviour would worsen. They called the police and wanted harassment charges filed. The police contacted the woman and she went to the police station, where she was informed of the charges. She was charged and released.

  The commissioner declined to take further action because there was insufficient evidence to justify a public hearing. The woman asked to have a provincial judge review the commissioner's decision.

  DECISION: The woman advised the court via email that she was withdrawing her application for review. The file was closed by the judge.

* * * *

- Police received a call that a man was smashing things in an apartment and throwing items out of the window. Yelling and screaming could also be heard and there was the possibility that a small child

may also be in the apartment. When police arrived, they could hear yelling and things being smashed in the apartment. The man refused to open the door so the police forced it open and found a naked man inside. The man was acting irrationally, so he was taken into custody and transported to a hospital for medical examination and treatment of injuries.

The man complained that the officers caused the injuries to him and that they were verbally abusive to him before he was taken to the hospital.

The commissioner declined to take further action because there was insufficient evidence to justify a public hearing. The man asked to have a provincial judge review the commissioner's decision.

DECISION: The provincial judge held that the commissioner had not erred in declining to take further action on this complaint.

* * * *

- A man, armed with a knife, went into a gas station/store and demanded money from the clerk on duty. There were several customers in the store at the time. As the man was about to leave with the money, the owner of the store walked in. Seeing what had happened, he locked the door and told the clerk to call 911. The man threatened to kill the owner and lunged at him with the knife, inflicting stab wounds. Several customers joined in the violent confrontation to subdue the man which resulted in him being injured. By the time police arrived, the man had been disarmed and was being held down on the floor. The police arrested the man, took him to the police station and then to the hospital for treatment of his injuries.

  The man complained that the police would not lay charges against the people who beat him up while they were disarming and holding him. He also complained that the officers did not seize any store video tape that would show him being beaten.

  The commissioner declined to take further action because there was insufficient evidence to justify a public hearing. He also commented that the man created the situation by attempting to rob the store and that what happened to him was his own misfortune. The man asked to have a provincial judge review the commissioner's decision.

  DECISION: The provincial judge held that the commissioner had not erred in declining to take further action on this complaint.

* * * *

- A man had returned home to find a note on his door from the police requesting that he call the officer named on the note. As the man lived near the police station, he walked there instead. At the station, he met a police officer who told him that there was a warrant for his arrest and that he should wait at the front counter. Two officers eventually came and took the man to a holding room. While in the holding room, the man became frustrated at being held there and raised a commotion. Officers came in and handcuffed and shackled him. The man complained that the handcuffs were too tight and his wrists were injured as a result. The man continued to struggle and was eventually taken to jail.

  The commissioner declined to take further action because there was insufficient evidence to justify a public hearing. The man asked to have a provincial judge review the commissioner's decision.

  DECISION: The man failed to attend the review hearing and the judge dismissed his complaint.

* * * *

- A man was skateboarding on the street when he noticed two bike patrollers. He decided to evade them as he did not want a lecture about skateboarding. He said he did not realize that they were police officers. When one officer caught up to him and grabbed him, they both fell to the ground and a struggle ensued. The other officer arrived and helped gain control of the man. He was taken to the station by police car where he was issued offence notices and released.

  The commissioner declined to take further action because there was insufficient evidence to justify a public hearing. The man asked to have a provincial judge review the commissioner's decision.

  DECISION: The man decided to withdraw his application for review. The judge dismissed the complaint and closed the file.

* * * *

Case Summaries

Informal Resolution of Complaints

Under Section 15 of the Act, *the commissioner provides the complainant and respondent with an opportunity to informally resolve the complaint. The process is often, but not always, successful. To be successful, the process must satisfy each of the parties involved. There is no single model for informal resolutions. They can range from a simple explanation of a police officer's action or a discussion to clear up a misunderstanding, to an apology or reimbursement for damages caused in the incident.*

Following are examples of complaints resolved informally in 2007:

- A woman and her boyfriend had a fight and he called the police to have her arrested for assault. When the police attended they handcuffed her. The woman was squirming and kicking and asked to have the handcuffs removed. The police would not remove the handcuffs. Once she was in the police car the woman was banging on the window with her feet to get the attention of the officers because she wanted to speak to her friend who had arrived.

  She was taken to the police station and placed in a cell. It was cold and she asked for a blanket. She had to ask four times before she was given a blanket. The woman felt that the officers treated her badly and were abrupt and uncompassionate.

  The complaint was resolved informally with a meeting between the woman and the officers involved.

* * * *

- A man was pulling out of a parking spot at a coffee shop. There were other people in the parking lot. When the man felt that it was safe to proceed he pulled out and drove away. As he was driving down the street he noticed a car behind him that had also been in the parking lot. He was concerned about a road rage incident. The car following behind put on its lights and the man realized it was the police. He pulled over and a police officer came up to the car and told the man to get out of the car. The man was told to put his hands behind his back which he did. The officer pinned him against the car with his hands behind his back. After a while the officer turned the man around and asked him if he had been drinking. The man replied that he had not been drinking. The man was given a ticket.

  The man felt that he was treated in a rude manner.

  The complaint was resolved informally with a meeting between the man and the officer involved.

* * * *

- A couple had gone out for an evening to celebrate an anniversary. The couple's daughter decided to have a party while her parents were away so she invited several friends to come over. The party soon got out of hand when many uninvited people showed up, and the police were called to remove the uninvited guests. The police removed everyone from the house and called the parents to advise them what happened. When the parents returned, there were still several people nearby including a friend of the couple's daughter. One parent grabbed the daughter's friend and verbally and physically abused her. This was witnessed by several people and a police officer who later denied that anything

had happened to the friend. The friend filed a complaint against the officer for abusive conduct and denying that an assault had taken place against her.

The friend and her mother were willing to resolve the matter informally, but before this could happen, the officer involved left the police force. A senior officer offered to meet with the friend and her mother on behalf of the police force to resolve the issues.

The complaint was resolved informally with a meeting between the friend, her mother and the senior police officer.

* * * *

- Police were called to an apartment because the caller was concerned that the occupant may do harm to herself. Upon arrival, the police could not get an answer at her door, so they got the landlord to open the apartment door. Once inside, they found the woman in the bedroom acting in a confused manner. They also saw open pill bottles and found a suicide note. The woman was verbally aggressive and assaulted one of the officers. She was taken into custody and handcuffed and taken to the hospital. The woman complained that the officers used excessive force and had injured her.

  The complaint was resolved informally with a meeting between the woman and the officers involved.

* * * *

- Two officers were stopped at a red light when two men on bicycles came up behind them and rode through the red light without stopping. When the light turned green, the officers pursued the cyclists and tried to stop them without success. Eventually they got in front of the cyclists and blocked them with the police car. One cyclist turned around and fled down a side street. The other cyclist stopped but was uncooperative and refused to identify himself. He was taken to the police car and tried to push past the officer when the door to the police car was opened. The officer pushed the man into the back seat of the police car. The man complained that the officer had punched him in the face when he put him in the police car.

  The complaint was resolved informally with a meeting between the man and the officers involved.

* * * *

- A man was dancing in the middle of a busy city street at night. As the conditions were hazardous due to icy roads, a police car approached with lights flashing and horn honking to warn the man who was in the middle of the street. The police verbally directed the man to get off the road. The man was belligerent and made rude comments. The police got out of their vehicle and took the man to the ground and handcuffed him. The police felt he was intoxicated and was resisting arrest. They had to use some force to get him under control and then transported him to the drunk tank. The man claims he was not that intoxicated.

  The complaint was resolved informally with a meeting between the man and the officers involved.

* * * *

Case Summaries

Public Hearings Before a Provincial Judge

Public hearings under the Act *are held before provincial judges. They do not sit in their usual capacity as members of the Provincial Court. A public hearing is only held after a matter has been referred by the commissioner under Section 17 of* the Act.

Where a public hearing has been referred by the commissioner, Section 27(2) of the Act *states:*

> *"The provincial judge hearing the matter shall dismiss a complaint in respect of an alleged disciplinary default unless he or she is satisfied on clear and convincing evidence that the respondent has committed the disciplinary default."*

The "clear and convincing evidence" standard was added to the Act in 1992. It is not worded the same as the more traditional standards that are used in other contexts. In criminal cases the standard is "beyond a reasonable doubt," which was used in the Act until 1992. In civil cases, the standard is "balance of probabilities." Provincial judges have held that the "clear and convincing evidence" standard falls between the civil and criminal standards of proof.

Following are the results of public hearings on the merits of complaints heard in 2007:

- A man and his brother were drinking at a local hotel. When the manager would no longer serve them, they left the bar and were going to walk to a relative's home nearby. They stopped at their vehicle and the brother was attempting to retrieve something from the glove box when they were approached by a police officer who shouted at the brother that he was under arrest. Another police car arrived and an argument took place. The man and his brother were handcuffed and transported to the police station in two different vehicles. At the police station, the brothers claimed that they were hit and kicked while handcuffed. They were also left in holding cells while handcuffed.

  Officer Misconduct: Three Police Officers

  Allegations: Abuse of authority by using unnecessary violence or excessive force and by using oppressive or abusive conduct or language.

  Disposition: Prior to a hearing date being set, a representative of the complainant contacted the provincial court and indicated that the complainant did not wish to proceed with a hearing. The file was then closed by the judge.

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- A man was driving home and committed a traffic offence. He was pulled over by a police officer and was issued a ticket. The police officer was smoking a cigarette at the time and neither extinguished the cigarette nor cleared his breath properly before leaning in to speak to the driver. He blew smoke into the driver's face and the officer spoke in a very rude and unprofessional manner.

  Officer Misconduct: One Police Officer

  Allegations: Abuse of authority by being discourteous and uncivil.

Disposition: Prior to a hearing date being set, the complainant contacted the provincial court and indicated that he no longer wished to proceed with this matter. The file was then closed by the judge.

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- A woman was leaving her daughter's home with her other daughter accompanying her. As they were leaving, the police arrived responding to a call for service at a neighbouring home. The police asked her where she was coming from to find out if they were involved with the disturbance they had been called to attend. The woman said they didn't have anything to do with what was going on and did not want to provide any names. The woman was parked illegally and the officer said he could give her a ticket for the way she was parked. Another police vehicle arrived and the woman was told to leave or she would be given a ticket. The officer started towards her and the woman feared she was going to be assaulted or arrested.

  Officer Misconduct: Two Police Officers

  Allegations: Abuse of authority by being discourteous and uncivil.

  Disposition: Complainant did not attend a scheduled pre-hearing and did not respond to letters written to her by the court. The file was closed by the judge.

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- A man called police to advise that he had seen some men dragging a woman to a black truck. He said that the woman was screaming and crying for help at the time. He provided police with the address where this incident took place. When police arrived, they saw a number of men standing on the porch of the house. These men went into the house and refused to answer the door when the police attempted to speak with them. The police decided to force the door, but one of the men finally opened the door for them. Once inside, the police detained three men but found no woman in the house.

  All three men filed complaints alleging that they were severely beaten at the house while being detained by police. One of the men also complained that he was beaten again at the police station and threatened with a firearm. Two women, who lived in a house across the street, saw part of what happened at the incident address. They saw seven police cars arrive and heard police banging on the door. When the door was opened, one officer had his gun drawn and struck one of the men with it. The women heard the police tell the men to get on the floor and there was a lot of yelling and screaming before the door was shut. Shortly after, the women saw one man who was very unsteady on his feet, leave the house. A few minutes later, a second man came out looking like he had been roughed up. He left in this truck. The third man was brought out in handcuffs and taken away in a police car.

  Medical reports on two of the men showed that they had minor injuries, but they were inconsistent with their allegations of being beaten. The third man, who had been taken to the police station, had not seen a doctor about his injuries.

  Officer Misconduct: Eight Police Officers

  Allegations: Abuse of authority by failing to inform the complainants upon their arrest or detention of the reasons therefore; by failing to inform them of the right to retain and instruct counsel; by using unnecessary violence or excessive force on the complainant and by using oppressive or abusive conduct or language.

Disposition: Prior to the hearing, one of the three men withdrew his complaint. At the hearing, one officer admitted to the default of using oppressive or abusive conduct or language to the other two complainants. As a result of this officer's admission, the other three allegations against him were withdrawn, and all allegations against the other seven officers were also withdrawn. The officer who admitted the default was given a penalty of suspension without pay for two days.

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- A man was in his apartment when he heard a loud knock on his door. When he answered the door, a man came in and stated that they had a search warrant and that they had information that he was holding narcotics. The apartment owner noticed another man standing at the door wearing a police jacket. That was how he became aware that the men were police officers even though they had not identified themselves or shown badges. When the man asked to see the warrant, he was told that it was upstairs and that he had already said the officers could come in. The man complained that the officers illegally searched his apartment and personal papers because he had not consented to this being done.

  Officer Misconduct: Two Police Officers

  Allegations: Abuse of authority by using oppressive or abusive conduct or language.

  Disposition: The judge found that, although the complainant had consented to the search of his apartment, it was not informed consent because the officers had not told him he could refuse to allow a search without a warrant. Therefore, the search of the apartment and personal papers was unlawful and would likely have resulted in any evidence obtained being inadmissible at trial if any charges had been laid. However, the judge also ruled that the unlawful search, which affected Charter *rights, did not constitute oppressive or abusive conduct or language under* The Law Enforcement Review Act *and dismissed the complaint.*

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- A man had called police to complain about his neighbour harassing him and attempting to provoke him into a physical confrontation. Within minutes of his call to police, the neighbours also called police to complain about the man threatening them. When police attended several hours later, the man was not available, so the officers went to the neighbours' home to obtain their complaint. After getting particulars, the police returned to the man's residence and found him home. They questioned him about the neighbours' complaint against him and did not seem as interested in taking his complaint. The officers left, but returned later to seize the man's firearms and ammunition. They also seized other items not related to firearms. He was subsequently charged with uttering threats but these charges were later stayed by Crown counsel.

  The man complained that the officers were abusive to him and that they seized the other items without lawful authority. He had no objection to his firearms and ammunition being seized.

  Officer Misconduct: Three Police Officers

  Allegations: Abuse of authority by searching a residence without lawful authority and by using oppressive or abusive conduct or language.

  Disposition: During a pre-hearing meeting, the complainant advised that he would not be pursuing the oppressive or abusive conduct allegation but he still wished to deal with the unlawful search allegation.

At the hearing, the judge found that even though the police did not have a warrant to search the man's residence, the man had consented to the search and actively participated in helping police find the articles they were looking for. However, the judge was critical of the officers' explanation of why they had not obtained a warrant for the items in the first place. He made it clear that it was not acceptable for officers to take shortcuts which could compromise a person's Charter *rights. Notwithstanding, the judge found that the* Charter *violation was not a disciplinary default and dismissed the allegation.*

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- A man had called police expressing concern that his ex-girlfriend might commit suicide. Two officers went to the woman's apartment and spoke with her. The woman was upset with the way the officers dealt with her and filed a complaint against them. After the investigation, the commissioner forwarded the complaint for a hearing.

  Officer Misconduct: Two Police Officers

  Allegations: Abuse of authority by being discourteous or uncivil towards the complainant.

  Disposition: Just prior to the hearing, the woman's lawyer wrote to the judge advising that his client had decided to withdraw her complaint. The judge cancelled the hearing and closed the file.

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- A man had been receiving calls from a collection agency for non-payment of cell phone bills. Since the man did not have a cell phone, he suspected that his ex-wife or her family may have obtained a cell phone in his name by misusing his personal information. He decided to report this matter to the police and went to the police station to do so. At the police station, he got into a heated discussion with the officer who was taking his complaint, when the officer asked for his address. The man gave the address of his ex-wife rather than where he was currently staying. When the officer queried the given address on his computer, he found there was a restraining order against the man to stay away from that address. The officer became suspicious of the validity of the complaint and questioned the man further, resulting in the verbal confrontation. The man subsequently filed a complaint against the officer for being discourteous and uncivil to him.

  Officer Misconduct: One Police Officer

  Allegations: Abuse of authority by being discourteous or uncivil toward the complainant.

  Disposition: At the hearing the judge found that both the man and the officer became frustrated with each other to the extent that both were uncivil. He determined that, while the actions of the officer were discourteous and uncivil, the circumstances in which this happened did not amount to abuse of authority and dismissed the allegation.

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- A man was driving to work in the early hours of the morning when he noticed a man following very closely behind him. As he approached a school zone, the man pulled out and passed him so the man gave him the finger. The van pulled in front of the man and stopped abruptly. The man was surprised to see a police officer get out of the van. The officer started to yell at the man about cutting

him off and going through a stop sign without stopping. During this incident a resident came out of his house and complained to the officer that his yelling had woken up his children.

Officer Misconduct: One Police Officer

Allegations: Abuse of authority by being discourteous or uncivil toward the complainant.

Disposition: Prior to the hearing, the complainant wrote to the judge and advised that he was abandoning his complaint. The judge closed the file and cancelled the hearing.

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- Police had gone to a residence with a search warrant for stolen weapons. The man, woman and their nine year old son were ordered to come out of the house, one at a time, with their hands over their heads. The man was handcuffed and placed in a police car while the woman and her son were put into another police car without handcuffs. While the officers were searching the house, one officer's handgun accidentally discharged causing damage to the house. During the time that the family was detained, the woman was never advised of her rights or allowed the opportunity to call a lawyer.

  Officer Misconduct: Six Police Officers

  Allegations: Abuse of authority by failing to inform the complainant of the reason for detention, failing to inform of the right to retain and instruct counsel without delay, by using oppressive or abusive conduct or language, by being discourteous or uncivil to the complainant and by failing to exercise discretion or restraint in the use and care of a firearm.

  Disposition: This case was originally heard in 2006 where the judge found two officers guilty of misconduct and dismissed the defaults against the other four officers. The case was adjourned for a penalty hearing. The penalty hearing took place in 2007. The judge directed that the senior officer be given a written reprimand and that the other officer be given an admonition. The judge ordered that the chief of police impose the penalties directed by him. The chief of police has complied with the judge's order. The notice of appeal entered in this case had not been heard yet.

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Legal Developments

Section 17 Hearings

Complaint #6176
The complainant dropped off a complaint with administrative staff at the police station. The complaint was dropped off just within 30 days after the incident complained about. The complaint was not signed and contained only an out-of-province address for contacting the complainant (with no telephone number). After attempting unsuccessfully to find a phone number, the police service wrote to the complainant asking her what she wished to do with the complaint; whether the complainant wanted LERA or the police service internal investigations unit to investigate. The complainant did send the commissioner a signed complaint; however, when the commissioner did receive the complaint, it was well past the 30-day limit for filing.

The commissioner decided to extend the time for filing as he is entitled to do where the complainant has "no reasonable opportunity" to file the complaint. In the file, he stated that it was in the public interest to investigate the complaint.

The matter was referred to a hearing and the respondent officer brought a motion arguing the commissioner lacked jurisdiction to refer the complaint to a hearing because it was filed outside the 30 days and that the complainant did have a reasonable opportunity to file. The judge agreed with the respondent's position. This case highlights the importance of the act's mandatory requirements that a complaint be in writing and signed. It also makes it clear that even if it may be in the public interest to investigate a complaint, the commissioner may extend time only where the complainant did not have a reasonable opportunity to file the complaint.

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Section 13 Review of Commissioner's Decision

Complaint #2004/260
The complainant was making repetitive calls to 911 and allegedly tying up the lines. The police had entered the complainant's house without his consent by spraying pepper spray into his apartment until he was forced to open the door. They then detained him. The commissioner had determined that this was done under the authority of *The Mental Health Act* and the commissioner dismissed the complaint on the basis that there was insufficient evidence of a disciplinary default. The complainant asked for a review of the commissioner's decision.

The judge ruled that there appeared to be an issue with the police officers' authority in the circumstances – that there was not an urgent enough concern to enter and detain without obtaining a court order. The judge referred the matter to a hearing.

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Breaches of the *Canadian Charter of Rights and Freedoms* as Disciplinary Defaults

There were several decisions in the past year dealing with alleged breaches of complainants under *Charter* rights. In these cases, judges have held that a breach of a *Charter* right is not, in and of itself, a disciplinary default. Accidental, innocent or "technical" breaches may not constitute a disciplinary default. However, where a breach is more significant, malicious, or oppressive, and it amounts to an abuse of authority, it may be a disciplinary default.

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Contributing Causes

Section 22 of *The Law Enforcement Review Act* states:

> *"When the commissioner identifies organizational or administrative practices of a police department which may have caused or contributed to an alleged disciplinary default, the commissioner may recommend appropriate changes to the chief of police and to the municipal authority which governs the police department."*

Recommended changes follow:

The commissioner noted that, over a three-year period, there had been many allegations of verbal or physical abuse of suspects while at the police station, particularly in interview rooms and secure bay areas.

The commissioner wrote to the chief of police and suggested that consideration be given to installing monitored cameras to record activities in interview rooms and secure bays.

The chief of police wrote back and advised they were in the process of upgrading recording equipment and were actively looking into further upgrades to accomplish what was suggested by the commissioner.

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Statistical Analysis

- LERA's jurisdiction extends to 13 police services with a police officer complement of 1,480. Total population served is 735,829. The R.M. of St. Clements no longer qualifies as a police service.

- Winnipeg Police Service accounts for 86 per cent of complaints made to LERA. Brandon Police Service accounts for 7 per cent and other forces account for the remainder.

- There were 308 files opened in 2007, a decrease of 59 complaints compared to 2006; the 5 year average is 368.

- The 188 formal complaints filed are the lowest recorded in the past 5 years. Despite this fact, the figure remains substantially higher than the number of files for which formal complaints were never received or were closed after preliminary investigation (120 complaints).

- In 2006, there were 560 total investigations. In 2007, there were 422 investigations, a decrease of 138. There was a corresponding decrease in the number of investigations completed in 2007, down 116 to 208 files in 2007.

- Several factors appear to have affected this drop in the number of complaints. The first was that a large rally in 2006 resulted in a surge of complaints when police intervened to stop an illegal demonstration. The second was the dismissal of an employee at an institution who was over-zealous in advocating for people to file questionable complaints. The third is that, when citizens go to police stations to file complaints, the police staff taking the complaint are ensuring citizens are properly informed of their choice to have LERA investigate the complaint as a conduct issue; or to have the police service investigate the complaint under police regulations; or, if applicable, to have the police service investigate the complaint as a criminal complaint.

- There has been a dramatic decrease in allegations of disciplinary defaults in all five main categories: abuse of authority, arrest without reasonable or probable grounds, using unnecessary or excessive force, and being discourteous or uncivil. Statistical scoring of defaults is now completed by one person, providing greater consistency in reporting. The decrease is also partly consistent with the overall decline in complaints for the year.

- Recent decisions by judges at review hearings indicate that a breach of the *Canadian Charter of Rights and Freedoms* is not, in and of itself, an abuse of authority. However, the commissioner must take allegations relating to *Charter* breaches into account when considering a complaint, particularly when a complainant has not been charged with an offence.

- There was one complaint alleging the misuse of pepper spray in 2007. However, there were 11 complaints of misuse of the taser. For this reason, a new chart, Table 7, has been created to identify this complaint separately.

- There were 26 incidents alleging misuse of handcuffs in 2007, one more than in 2006.

- Incidents alleging injuries from the use of force decreased to 93 and were made in 49 per cent of complaints investigated.

- There were eight informal resolutions of complaints in 2007, a slight increase over 2006. LERA continues to actively support and, whenever possible, engage in alternative dispute resolution to restore social harmony between affected parties. This method of complaint resolution remains a priority and complainants and respondents are encouraged to participate in this process.

- Table 9: The percentage of complaints abandoned by complainants is less than in previous years. LERA investigators contact complainants after the investigation is completed but before a

final letter is written. In many cases, when complainants see the results of the investigation, they then decide to drop the complaint. In other cases, when a LERA investigator is unable to locate the complainant, a letter is sent to the complainant's last known address asking the complainant to contact the investigator. If contact is not made within 30 days, the complaint is deemed to be abandoned and a registered letter is sent to that effect.

- Table 11: Complainants' requests for judges to review the commissioner's decision increased from 5 to 16 in 2007. The 5 year average is 11.

- Table 12 and 13: LERA is not mandated to conduct criminal investigations. Where a matter before the commissioner or a provincial judge discloses evidence that a member may have committed a criminal offence, the commissioner or provincial judge report the possible criminal offence to the attorney general.

- If there is an implication of criminal misconduct, LERA investigators will inform the complainant that a criminal complaint may also be made to the police force where the incident occurred. In 2007, 20 criminal complaints were lodged with police where a LERA complaint was also filed. This is 1 complaint less than was filed in 2006.

- Table 15 and 16: During the time that a criminal investigation is being conducted against an officer (or complainant); the LERA investigation is held in abeyance. These criminal investigations and related court appearances often take many months or even years to get through the judicial system. This down time is beyond the control of LERA and negatively affects the length of time to complete investigations.

  The computerized data collection system in LERA has been refined in 2007. The system can now calculate down time when files are held in abeyance for criminal investigations or court charges. As a result, the average time to complete investigations, when factoring out the down time, has been reduced from 13 months to 11 months.

2007 Statistical Report – Data Tables

Table 1: Complaints Listed by Police Service	Police Officers **	Population ***	2007 (n=188)	2006 (n=244)	2005 (n=251)	2004 (n=252)	2003 (n=250)
Altona	7	3,709	0	0	0	0	1 (0.5%)
Brandon	80	41,511	13 (7%)	23 (9%)	19 (7.2%)	14 (6%)	16 (6%)
Dakota Ojibway (DOPS)	27	11,183	3 (1.6%)	4 (1.6%)	5 (2.0%)	2 (.8%)	7 (3%)
RM East St. Paul	10	8,733	2 (1%)	7 (3%)	2 (1%)	1 (.4%)	0
Morden	11	6,571	2 (1%)	0	0	0	0
Rivers	3	1,193	0	1 (0.4%)	1 (0.4%)	0	0
Ste. Anne	4	1,534	2 (1%)	0	0	1 (.4%)	0
Winkler	15	9,106	3 (1.6%)	0	0	2 (.8%)	0
Winnipeg	1318	633,451	161 (86%)	207 (85%)	223 (89%)	228 (90%)	225 (90%)
*RM Cornwallis	1	4,058	0	0	0	0	0
*RM Springfield	2	12,990	0	0	0	0	0
*RM Victoria Beach	1	388	1 (.5%)	1 (0.4%)	0	1 (.4%)	0
*RM of Whitehead	1	1,402	1 (.5%)	0	0	2 (.8%)	0
Other	0	0	0	1 (0.4%)	1 (0.4%)	1 (.4%)	1 (.5%)
Total	**1480**	**735,829**	**100%**	**100%**	**100%**	**100%**	**100%**

* Supplementary police service – RCMP have primary responsibility
** Source: Director, Aboriginal and Community Law Enforcement, Manitoba Justice
*** Source: Statistics Canada and Dakota Ojibway Police Commission

Table 2: Public Complaints	2007	2006	2005	2004	2003
Files opened	308	367	375	367	421
Resolved at intake	120	123	124	115	171
Formal complaint received	188	244	251	252	250

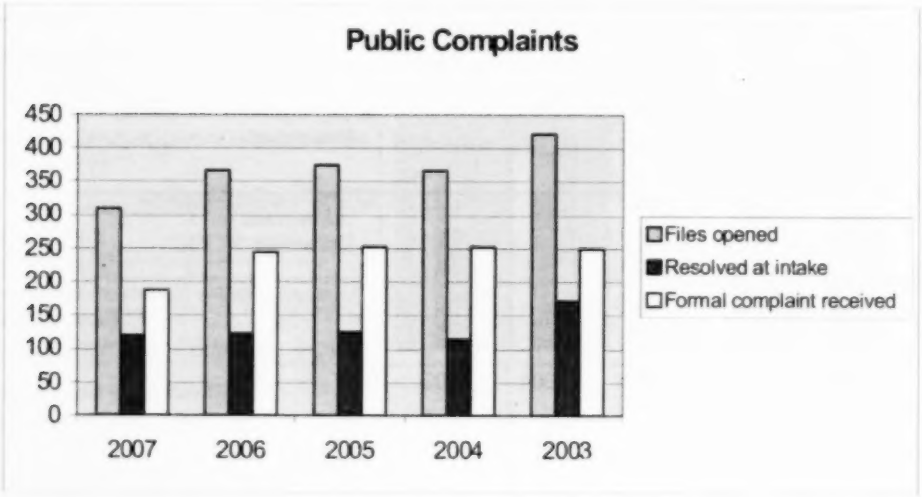

Table 3: Investigations Conducted	2007	2006	2005	2004	2003
Total investigations	422	560	532	495	447
Investigations completed - files closed	208	324	217	216	205
Ongoing investigations carried over as of December 31, 2007	214	236	315	279	242

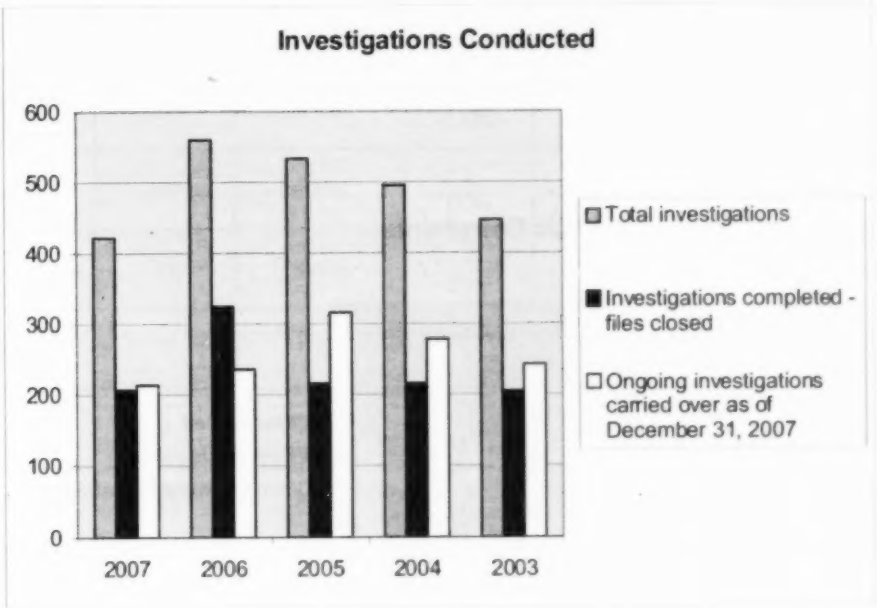

Table 4: **Complainants' Allegations: Discipline Code** **Section 29 *The Law Enforcement Review Act***	**2007**	**2006**	**2005**	**2004**	**2003**
Abuse of authority Sec. 29(a)	67	112	109	114	167
Arrest without reasonable or probable grounds Sec. 29(a)(i)	25	64	16	24	20
Using unnecessary or excessive force Sec. 29(a)(ii)	106	157	130	149	136
Using oppressive or abusive conduct or language Sec. 29(a)(iii)	88	123	145	125	114
Being discourteous or uncivil Sec. 29 (a)(iv)	56	86	79	77	114
Seeking improper personal advantage Sec. 29(a)(v)	0	1	0	1	1
Serving civil documents without proper authorization Sec. 29(a)(vi)	2	1	1	1	0
Differential treatment without cause Sec. 29(a)(vii) *The Human Rights Code* Sec. 9(2)	14	32	23	21	12
Making false statement(s) Sec. 29(b)	5	15	11	14	8
Improperly disclosing information Sec. 29(c)	4	2	4	4	6
Failing to exercise care or restraint in use of firearm Sec. 29(d)	0	3	5	0	3
Damaging property or failing to report damage Sec. 29(e)	7	4	7	5	5
Failing to provide assistance to person(s) in danger Sec. 29(f)	2	13	8	4	2
Violating person's privacy (under *The Privacy Act)* Sec. 29(g)	1	2	1	0	0
Contravening *The Law Enforcement Review Act* Sec. 29(h)	1	1	0	1	0
Assisting any person committing a disciplinary default Sec. 29(i)	3	0	0	0	0

Table 5: Incidents Alleging Misuse of Pepper Spray			
2007 (n=1)	**2006 (n=4)**	**2005 (n=1)**	**2004 (n=5)**
1% of 188 complaints investigated Dakota Ojibway PS = 1	2% of 244 complaints investigated Winnipeg = 3	0.4% of 251 complaints investigated Winnipeg = 1	2% of 252 complaints investigated Winnipeg = 4 Brandon = 1

Table 6: Incidents Alleging Misuse of Handcuffs			
2007 (n=26)	**2006 (n=25)**	**2005 (n=31)**	**2004 (n=42)**
14% of 188 complaints investigated Winnipeg PS = 26	10% of 244 complaints investigated Winnipeg PS = 23 East St. Paul PD = 1 Dakota Ojibway PS = 1	12% of 251 complaints investigated Winnipeg PS = 30 Brandon PS = 1	17% of 252 complaints investigated Winnipeg PS = 39 Brandon PS = 3

Table 7: Incidents Alleging Misuse of Taser			
2007 (n=11)	**2006 (n=1)**	**2005 (n=0)**	**2004 (n=0)**
6% of 188 complaints investigated Winnipeg PS = 9 Winkler PS = 1 Victoria Beach PS = 1	.4% of 244 complaints investigated Brandon PS = 1	N/A	N/A

Table 8: Incidents Alleging Injuries from Use of Force			
2007 (n=93)	**2006 (n=120)**	**2005 (n=113)**	**2004 (n=125)**
49% of 188 complaints investigated Winnipeg PS = 86 Dakota Ojibway PS = 3 Brandon PS = 1 Winkler PS = 1 Victoria Beach PS = 1 Ste. Anne PD = 1	49% of 244 complaints investigated Winnipeg PS = 114 Brandon PS = 2 Dakota Ojibway PS = 2 East St. Paul PD = 2	45% of 251 complaints investigated Winnipeg PS = 104 Brandon PS = 2 Dakota Ojibway PS = 3 East St. Paul PD = 1	50% of 252 complaints investigated Winnipeg PS = 120 Brandon PS = 4 RM of Whitehead PD = 1

Table 9: Disposition of Complaints	**2007 (n=208)**	**2006 (n=324)**	**2005 (n=217)**	**2004 (n=216)**	**2003 (n=205)**
Dismissed by commissioner as outside scope of act	12 (6%)	41 (13%)	40 (18%)	22 (10%)	26 (13%)
Dismissed by commissioner as frivolous or vexatious	2 (1%)	6 (2%)	2 (1%)	1 (0.5%)	26 (13%)
Dismissed by commissioner as not supported by sufficient evidence to justify a hearing	90 (43%)	92 (28%)	53 (24%)	56 (26%)	64 (31%)
Abandoned or withdrawn by complainant	91 (44%)	163 (50%)	103 (47%)	117 (54%)	80 (39%)
Resolved informally	8 (4%)	5 (2%)	4 (2%)	5 (2%)	6 (3%)
Public hearing before a provincial court judge	6 (3%)	16 (5%)	15 (7%)	15 (7%)	5 (1%)
Admission of guilt by respondent officer	0	1 (0.3%)	0	0	0
Disposed via criminal procedure	0				

Table 10: Legal Involvement of Complainants	2007 (n=188)	2006 (n=244)	2005 (n=251)	2004 (n=252)	2003 (n=250)
No charges	76 (40%)	101 (41%)	112 (45%)	83 (33%)	91 (36%)
Traffic offences	13 (7%)	28 (11%)	11 (4%)	23 (9%)	17 (7%)
Property offences	12 (6%)	17 (7%)	25 (10%)	47 (19%)	37 (15%)
Intoxicated persons detention	11 (6%)	8 (3%)	13 (5%)	14 (6%)	8 (3%)
Cause disturbance	3 (2%)	3 (1%)	1 (0.4%)	2 (0.8%)	1 (.4%)
Assault police officer/resist arrest	25 (13&)	30 (12%)	31 (12%)	23 (9%)	21 (8%)
Impaired driving	4 (2%)	3 (1%)	1 (0.4%)	5 (2%)	3 (1%)
Offences against another person	17 (9%)	27 (11%)	24 (10%)	18 (7%)	21 (8%)
Domestic disputes	2 (1%)	1 (0.4%)	3 (1%)	9 (4%)	5 (2%)
Other	25 (13%)	26 (11%)	30 (12%)	28 (11%)	46 (18%)

Table 11: Reviews by Provincial Judge of Commissioner's Decision to Take No Further Action	2007	2006	2005	2004	2003
	16	5	11	12	13

Table 12: Referrals of Complaint to Crown for Criminal Investigation	2007	2006	2005	2004	2003
	0	1	0	0	0

Table 13: LERA Complaints Where Complainant Lodged a Criminal Complaint with Police	2007	2006	2005	2004	2003
	20	21	27	11	11

Table 14: Time Span of Ongoing Investigations Carried Over as of December 31, 2007							
YEAR	**1-3 Months**	**4-7 Months**	**8-12 Months**	**13-18 Months**	**19-23 Months**	**24+ Months**	**Total**
2002	0	0	0	0	0	1	1
2003	0	0	0	0	0	2	2
2004	0	0	0	0	0	21	21
2005	0	0	0	0	0	27	27
2006	0	0	0	22	32	1	55
2007	43	42	22	0	0	0	108
Total	**43**	**42**	**22**	**22**	**32**	**52**	**214**

Table 15: Files Concluded in 2007 by Year of Origin		
Year	**Number of Files**	**Average Time to Close Investigation**
2001	1	27 months
2002	1	33 months
2003	2	17 months
2004	16	33 months
2005	24	16 months
2006	84	10 months
2007	80	5 months
Total	**208**	**11 months**

Table 16: Length of Time to Complete Investigations	2007 (n=208)	2006 (n=324)	2005 (n=217)	2004 (n=216)	2003 (n=205)
1-3 Months	54	74	42	35	44
4-7 Months	49	42	42	42	63
8-12 Months	51	75	46	47	46
13-18 Months	22	57	34	39	28
19-23 Months	10	23	22	26	11
24+ Months	22	53	31	27	13
Average	**11 Months**	**13 Months**	**12 Months**	**13 Months**	**9 Months**

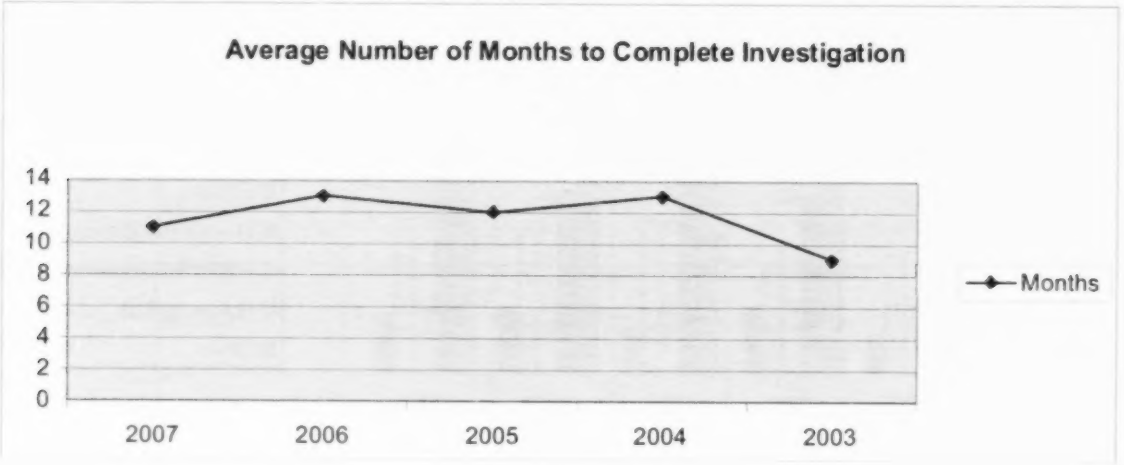

Table 17: Location of Incident	2007 (n=188)	2006 (n=244)	2005 (n=251)	2004 (n=252)	2003 (n=250)
Street	57	108	68	102	83
Private residence	54	61	97	62	75
Public building/place	23	15	25	17	23
Police station	41	37	46	49	49
Other	13	23	15	22	20

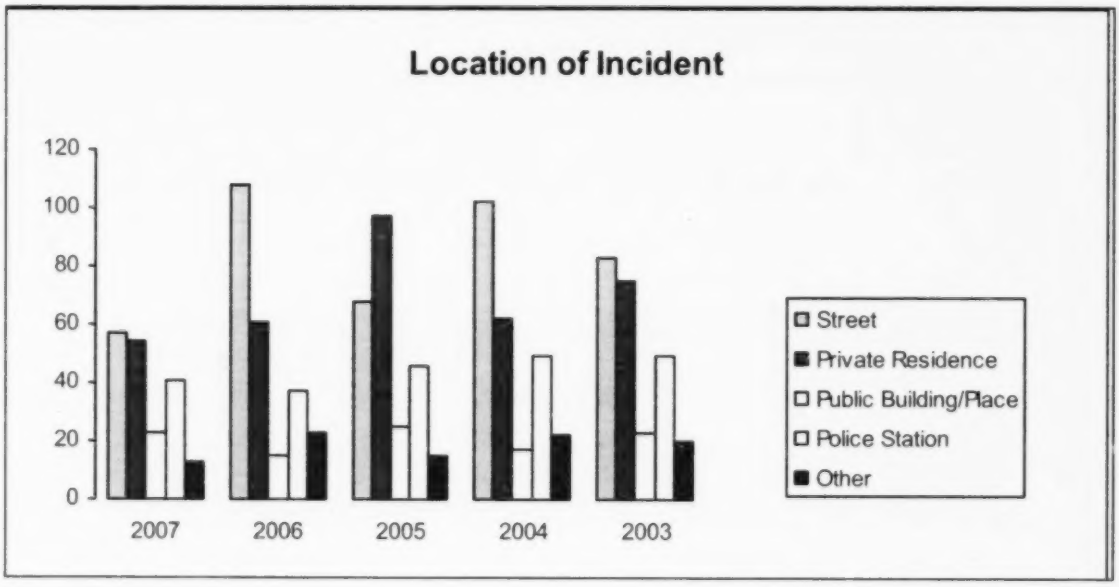

Table 18: Complainant Demographics	2007 (n=188)	2006 (n=244)	2005 (n=251)	2004 (n=252)	2003 (n=250)
Gender					
Male	140 (74%)	164 (67%)	171 (68%)	181 (72%)	172 (69%)
Female	48 (26%)	80 (33%)	80 (32%)	71 (28%)	78 (31%)
Age					
Over 50	35 (19%)	25 (10%)	30 (12%)	13 (5%)	33 (13%)
40 - 49	32 (17%)	40 16%)	48 (19%)	35 (14%)	32 (13%)
30 - 39	36 (19%)	40 (16%)	48 (19%)	44 (17%)	45 (18%)
18 – 29	34 (18%)	73 (30%)	56 (22%)	67 (27%)	55 (22%)
Youth under 18	22 (12%)	32 (13%)	39 (16%)	57 (23%)	44 (18%)
Birth dates unknown	29 (15%)	34 (14%)	30 (12%)	36 (14%)	41 (16%)